City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT

Application Number: 3016574

Applicant Name: Corinne Kerr for Touchstone, LLC

Address of Proposal: 1812 Boren Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, 37-story residential structure containing 410 units and one, 11-story office building containing 307,296 sq. ft. of office, and 2,056 sq. ft. of ground level retail. Parking for 547 vehicles to be provided below grade. Existing structure and surface parking to be demolished.

The following Master Use Permit components are required:

Design Review Departures (Seattle Municipal Code 23.41)

Development Standard Departure to allow less than the required amount of modulation. (SMC 23.49.058A)

Development Standard Departure to exceed the maximum height of overhead weather protection. (SMC 23.49.018)

Development Standard Departure to allow fewer than required and less than the minimum size loading berths required. (SMC 23.54.035)

SEPA-Environmental Determination (Seattle Municipal Code 25.05)

DPD SEPA DETERMINATION:

☒ Determination of Significance*

☐ No mitigating conditions of approval are imposed.

☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

*This project includes an Addendum to the 2005 Downtown Height and Density Final EIS, which is adopted with this decision.

Site:

Site Zone: DMC 240/290-400

Nearby Zones: (North) DMC 240/290-400
(South) DMC 340/290-400
(East) DMC 240/290-400
(West) DMC 340/290-400

Lot Area: 42,363 square feet

Current Development:

The existing site includes a surface parking lot and a one-story commercial structure (built 1975).

Surrounding Development and Neighborhood Character:

Existing vehicular access is via curb cuts at the street frontages and from the alley.

The surrounding development includes a site under construction to the west, across Boren Ave (160' tall office and hotel development – "Hill 7," also by Touchstone Corporation), a 1-story car rental and surface parking to the north, a site proposed for construction across the alley to the east (400' tall residential tower), early 1-2 story 20th-century commercial structures across the alley to the southeast, and a 2-story research facility across the street to the south.

The Denny Triangle area is transitioning from low rise type commercial and residential buildings to residential towers, office development, and hotel uses. Newer development is contemporary in design, with simple forms, large areas of glazing, and permanent materials such as precast concrete. Older development is a mix of building types, ranging from early 20th century masonry and wood frame construction to 1970's auto-oriented 1 story buildings with large surface parking lots.

Boren Avenue is a busy vehicle arterial between South Lake Union and Capitol Hill. Stewart Street is a street heavily used by pedestrians, transit, and cars to access the Downtown core. Howell St includes moderate levels of vehicular traffic. The area is served by frequent bus transit, as well as bus and light rail transit in the Convention Center station a few blocks to the southeast.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: April 1, 2014

DESIGN DEVELOPMENT

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

The applicant provided additional graphics at the EDG meeting, including conceptual design studies of the street level and the tower.

The applicant noted that the design intent of the pedestrian arcade on the street frontages ("colonnade") is to provide a wider pedestrian experience than the narrow sidewalks adjacent to the busy arterials, complement the colonnade across the street (16-story hotel and office development under construction), and relate the pedestrian realm to the scale of the overall development.

The first massing option of two towers would maximize development potential on the site, but would create a "canyon" experience between the towers. The second option placed the tower on the north end of the site, with a lower office building extending from the tower to the south. The applicant noted that the second option, with a tower on the north end of the block, results in crowding by the proposed tower across the alley. This option would also require a very narrow or L-shaped tower on the proposed site, in response to tower spacing Code requirements. The lower office portion of the building reduces façade height at the street, but allows for little differentiation between the office and residential portions of the building.

The third option included the tower on the south side of the site, with the office portion of the building on the north end of the site, at a similar height to the proposed development across Boren Ave.

The tower would be inset at the level of the upper office floors, providing modulation between the upper and lower portions of the building. The lower levels of the tower would be occupied by loft style units with a taller floor to floor height than the office building.

The preferred architectural concept is that of "patterned forms" to allow visual interest, vertical expression, and the ability to use material and articulation to visually tie the office and tower forms together. The overall intent is to provide a distinctive design that is respectful of nearby context.

The intent of the consistent horizontal line of articulation at the residential tower (approximately level 10) is to provide residential outdoor space that corresponds to the roof of the office portion of the building. This allows the residential open space to 'borrow the view' over the office building and possibly share outdoor space with the office building.

The pedestrian colonnade would be adjacent to a glazed wall. Conference rooms were shown as forms set within the glazed wall in the northern half of the Boren Ave street frontage, with office lobby and circulation beyond the wall. A large conference room, residential leasing office, and residential lobby occupy the southern half of the street frontage on Boren Ave. The Howell Street frontage is composed of residential lobby and mail room area.

The applicant noted that the street level conference rooms are proposed in response to the technology companies' demand for meeting spaces. The applicant explained that the conference rooms at Boren Ave could also function for 'pop up' retail uses that can be changed over a short period of time. The applicant explained that while there isn't the market for retail in this area, it's possible that any of the street level spaces could function for future retail.

The only retail use is proposed at the northwest corner. A bike storage area is located at the Stewart Street frontage near the alley.

The landscape plan concept is based on providing a cohesive streetscape with nearby development, including the site under construction across Boren Ave. Larger street trees are proposed at Stewart St and Howell St. Large angled landscape buffers are proposed between the curb and the colonnade on Boren Ave, with standard width and shape landscape strips on Stewart and Howell Streets.

PUBLIC COMMENT

No public comments were offered at the EDG meeting.

FINAL RECOMMENDATION MEETING: September 2, 2014

DESIGN DEVELOPMENT

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

or contacting the Public Resource Center at DPD:

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Seattle, WA 98124

Email: PRC@seattle.gov

At the Final Recommendation meeting, the applicant described the design intent to complement the Hill 7 office and hotel project across Boren Ave to the west, with highly permeable street frontage and street level spaces that can flexibly function for retail or other uses (the "pop-up" forms in the Boren Ave street frontage, and the larger "flex room" street level space on Boren Ave). The applicant described the flex room intent as a "living room for the office building" where employee groups can gather for functions, or the space could work for one or multiple retail tenants. The residential lobby is designed to host gatherings for the residents of the tower, with the intent of activating the street frontage.

The intent of the colonnade is to provide a human scale street frontage, with a large area of overhead weather protection and pedestrian scaled façade materials. Street level façade materials include storefront glazing, exposed concrete columns, iron spot brick at the residential entry, reclaimed wood and darker metal siding at the pop-ups, and colored fabric on the interior wall of the pop-up (mounted to be visible to the street frontage). The lighting plan would be used to create continuity between the building lobby and the outdoor colonnade space, with large sculptural light fixtures on the soffit of the colonnade and lobby ceiling.

The Boren Ave streetscape was shown with wider sidewalks than at EDG, with paving patterns that continue inside the building lobby. Approximately 1' tall Corten steel planter walls would

provide a more gradual grade transition from the curb to the walkway grade. Rounded forms would provide pedestrian seating opportunities at the street level. A 9th floor roof deck would be physically separated from an adjacent residential amenity area, but designed to provide visual interest to the upper levels of the residential tower. A roof deck on the residential tower would provide additional outdoor amenity space for residents, with glass guard rails to provide wind protection.

The upper building was shown with modulation and the intent to provide a cohesive design expression on all four sides of the building. Mullion extensions and operable windows would be used to enhance the areas of modulation on the office portion of the building. The residential tower would include a sleeker glazed appearance, with metal panels breaking the glazing into distinct modules and operable windows expressing the residential scale. The metal reveals, mullions, operable windows, and louvers are proposed in tones of silver.

Two options were shown for the floor to floor height in the residential tower. The reduced 9'6" floor to floor height would allow for three more levels of residential in the lower portion of the building. The applicant requested that the Board approve both options. The applicant noted that the area in question is butt glazed, which offers a sleek exterior appearance and additional floors would be less noticeable. The development team has not yet decided which option meets the program's needs, but would make the decision before the MUP is approved.

PUBLIC COMMENT

Public comments at the Final Recommendation meeting included the following:

- The rooftop of the 11-story office building will also be a 5th façade, and should be designed in response to the visibility of this facade from nearby and proposed towers. This area should include a green roof, or design the mechanical systems to be screened from above as well as the sides.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (APRIL 1, 2014)

1. **Massing Options.** The Board discussed the various massing options, with a focus on the merits of the Two Towers (Option 1) vs. the Integrated Towers (Option 3). The Board supported the preferred Massing Option 3 (Integrated Towers). (A-1, B-3)
   a. Massing Option 3 allows for a wider floor plate in the tower, and therefore allows for the wider arcade. (A-1, D-1, D-2)
   b. Massing Option 3's lower office building response to the project across Boren (Hill 7). (A-1, B-3)
   c. Massing Option 3 includes the horizontal modulation near the 10th floor, corresponding to the roofline of the office portion of the building. This massing offers an opportunity to successfully use articulation and materials to create a refined transition between the office and residential portions of the structure. (B- 4)

d. Massing Option 3 responds to the context of the urban fabric, which includes continuous street wall development with limited towers per block. (A-1, B-1)
e. The arcade design of the colonnade offers an opportunity to improve the pedestrian experience at the street level with larger paved surfaces, separation from vehicular traffic, and visually interesting materials. Similar direction was provided on the Hill 7 proposal, across Boren Ave. (B-3)

2. **Design Concept.** The Board supported the preliminary design concept using materials, modulation, and articulation to differentiate the office and residential portions of the building, but create an overall cohesive design. (A-1, B-4)
   a. The proposed design should respond to the design of the Hill 7 development across the street. Through design review, that development successfully used materials, modulation, and articulation to emphasize the two different building programs on site, but visually tied together the overall design concept. (A-1, B-1, C-2)
      - The Board supported the preliminary design studies that indicate the design moving in this direction.
      - The Board supported the proposed facade articulation and texture shown in the Patterned Forms concept.
   b. The proposal should also respond to the design context of the Kinect tower proposed across the alley to the east. The alley façade of the proposed development will face the Kinect tower. The alley façade should be designed to be consistent with the other building facades. The Board supported the design direction shown in the concept sketches. (A-1, B-1, C-3, C-6)
   c. The Board supported the initial design direction for the top of the tower and creating visual interest in the skyline. The proposed development will be on the visible edge of the Denny Triangle towers and will be highly visible in the skyline. (A-2)
   d. The Board supported designing the upper levels of the buildings to provide flexibility for a variety of future uses. (A-1)

3. **Ground Plane.** The ground plane and colonnade should be designed to activate the street frontage. The street level of the building should be designed to flexibly function as future retail spaces. (A-1, C-1, C-2, C-3, C-5, D-1, D-2, D-3, D-5)
   a. The street level uses should be designed to provide active facades (not potentially drawn blinds at the street frontage that may result from conference rooms). (C-1, C-1)
      - The Board noted that pedestrian arcades can enhance street level activity when there is an active use at the building edge, adjacent to the pedestrian realm. Conference rooms won't likely provide the necessary activation at the edge of the colonnade.
   b. The proposed uses adjacent to the colonnade should be designed to accommodate future retail use. Spaces that aren't easily converted to retail uses should be located away from the street frontage (such as storage areas and mail rooms). (B-3, C-1, D-1)
      - The Board noted that while there may not appear to be a current market for retail, the proposed development and nearby construction will bring many more residents and workers in the immediate vicinity in the very near future, which will provide a market for street level retail.
   c. The pedestrian environment should include wider areas of hardscaped surfaces to allow for pedestrian activity, rather than the wider landscaped buffers shown in the landscape concept sketches. (D-1, D-2)
   d. Lighting should enhance the pedestrian experience in the colonnade. (D-5)

FINAL RECOMMENDATIONS (SEPTEMBER 2, 2014)

1. **Ground Plane.** The Board supported the intended flexibility of the street level building areas, but remained concerned that the pop-ups and flex room would be used as meeting spaces with closed blinds at the street frontage.
   a. The Board therefore recommended a condition that the development team should demonstrate how the pop-up street level spaces and the larger street level flex space at Boren Ave would be curated and managed to maximize human activity at the street frontage, if retail is not yet feasible at the site. (C-1, C-3)
   b. The Board noted that the intent to visually connect the lobby and colonnade using the lighting plan is an important strategy during the day and in the evening. The Board therefore recommended a condition that the lighting plan should indicate how the lobby lighting and colonnade soffit lighting will be programmed to fulfill the design intent of visual connection between the lobby and colonnade, at night as well as during the day. (D-5, C-1)
   c. The Board strongly supported the highly transparent and well-lit bicycle storage room at the Stewart Street frontage, as a means of providing human activity at the street frontage. (C-1)
   d. The Board supported the street level landscape plan. (D-2)

2. **Rooftops.** The Board supported the 9th floor roof deck as a 5th elevation, and noted that the roof of the 11-story building will be highly visible from the residential tower and nearby proposed and existing towers.
   a. The Board therefore recommended a condition that the roof of the 11-story office portion of the building be designed as a visual composition, similar to the Hill 7 development under construction to the west. (B-3, B-4, C-2)
   b. The Board discussed the design of the "Shelter" structure on the 9th floor deck and noted that it could be more sculptural or robust to better relate to the design concept, but declined to recommend a condition for this item. (B-4, D-3)

3. **Design Concept and Expression**. The Board noted that the facades of the upper levels and street level are well composed, cohesively designed, respond to adjacent datum lines, and provide differentiation between the office and residential uses. (B-1, B-3, B-4, C-2, C-6)
   a. The Board recommended approval of either of the floor to floor heights for the lower levels of the residential tower. (B-4, C-2)
   b. The Board suggested incorporating darker reveals and mullions than proposed, but declined to recommend a condition for this item. (B-4)
   c. The Board strongly supported enhancing the striations and subtle banding shown in the Design Recommendation packet images. The Board noted that the spandrel colors and levels of glass reflectivity will need to be chosen carefully in order to execute this design intent, but declined to recommend a condition for this item. (B-4)

The Board identified the following Downtown Design Guidelines of highest priority for this project. The Downtown guidelines are summarized below. For the full text please visit the Design Review website.

A-1 Respond to the Physical Environment. Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

A-2 Enhance the Skyline. Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

B-1 Respond to the Neighborhood Context – Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

B-3 Reinforce the Positive Urban Form & Architectural Attributes of the Immediate Area. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

B-4 Design a Well-Proportioned & Unified Building. Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

C-1 Promote Pedestrian Interaction. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

C-2 Design Facades of Many Scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

C-3 Provide Active—Not Blank—Facades. Buildings should not have large blank walls facing the street, especially near sidewalks.

C-5 Encourage Overhead Weather Protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

C-6 Develop the Alley Façade. To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.

D-1 Provide Inviting & Usable Open Space. Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

D-2 Enhance the Building with Landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

D-3 Provide Elements that Define the Place. Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable "sense of place" associated with the building.

D-5 Provide Adequate Lighting. To promote a sense of security for people downtown during nighttime hours, provide appropriate levels of lighting on the building facade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, and on signage.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. **Façade Modulation (23.49.058A):** The Code requires structures that are 85'-160' tall and within 15' of the street lot line to have unmodulated walls that are no more than 155' long for the upper two floors of the office structure. The applicant proposes an unmodulated wall on

Boren St that is 198'4" long. 2' deep modulation would be provided for areas of the street facing facades. The colonnade provides modulation at the street level, but the Code requires modulation at the upper elevations.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, B-4, and C-2 by providing a pedestrian scale at the street level with the colonnade, by providing at least 2' deep modulation at the upper levels, by designing all four facades of the building to be consistent and cohesive, and by using mullion extensions, reveals, and other design strategies to reduce the scale of the upper levels of the building.

The Board unanimously recommended that DPD grant the departure.

2. **Overhead Weather Protection (23.49.018):** The Code requires overhead weather protection to be located between 10' to 15' above sidewalk level. The applicant proposes overhead weather protection at a height of 23' above the sidewalk. The weather protection would be provided through a 'colonnade' that measures 15'"3 deep and should provide better pedestrian protection from weather than the Code required height and depth.

   This departure would provide an overall design that would better meet the intent of Design Review Guidelines C-5 and D-1 by providing functional overhead weather protection, a colonnade designed with materials and amenities that respond to the pedestrian scale, and activated street frontages.

   The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

3. **Loading Berth Requirements (23.54.035):** The Code requires 4 loading berths with minimum lengths of 35' each. The applicant proposes 2 loading berths that measure 35' long, and 2 that measure 25' long.

   This departure would provide an overall design that would better meet the intent of Design Review Guideline C-2 by providing a large protected pedestrian area at the street level in the colonnade, by providing at least 2' deep modulation at the upper levels, by carefully treating all four facades of the building, and by using mullion extensions, reveals, and other design strategies to reduce the scale of the upper levels of the building.

   The Board unanimously recommended that DPD grant the departure.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated September 2, 2014, and the materials shown and verbally described by the applicant at the September 2, 2014 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the three Design Review Board members recommended APPROVAL of the subject design with the following conditions:

Conditions:

1. **Demonstrate how the pop-up street level spaces and the larger street level flex space at Boren Ave would be curated and managed to maximize human activity at the street frontage, if retail is not yet feasible at the site. (C-1, C-3)**
2. **The lighting plan should indicate how the lobby lighting and colonnade soffit lighting will be programmed to fulfill the design intent of visual connection between the lobby and colonnade, at night as well as during the day. (D-5, C-1)**

3. **Design the roof of the 11-story office portion of the building as a visual composition, similar to the Hill 7 development under construction to the west. (B-3, B-4, C-2)**

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

The applicant's responses to Recommended Design Review Conditions were as follows:

1. The applicant responded to recommended condition #1 with an explanation: "The street level pop-ups will be actively managed by the building ownership and their building management team. Activities in these spaces might include hosted amenities and services such as a coffee cart & treat distribution, temporary guest vendors such as flower sales or other offerings such as flu shots or blood drive, and holiday events. When not in use, the spaces will be furnished in a way that welcomes impromptu tenant interaction, or could host entertainment or art displays." The response satisfies the recommended condition for the MUP decision.
2. The applicant responded to recommended condition #2 with a lighting plan in the MUP plan set, showing light levels inside and outside the street level spaces during the day and at night. The response satisfies the recommended condition for the MUP decision.
3. The applicant responded to recommended condition #3 with a modified Level 9 roof deck design, as shown in the MUP plan set. The response satisfies the recommended condition for the MUP decision.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the following conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on September 2, 2014, the Board recommended approval of the project with the conditions described above.

Three members of the five Design Review Board members were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DECISION – DESIGN REVIEW

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. SEPA ANALYSIS

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes in 2005. The FEIS and evaluated the probable significant environmental impacts that could result from the redevelopment following a change in zoning to allow additional height and density in the Downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and other alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and the proposed development is within the range of actions and impacts that were evaluated in the various alternatives. The site is located within the Denny Triangle area described in the EIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD adopts the FEIS. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS and incorporated environmental checklist.

The EIS Addendum and related documents addressed the environmental impacts related to Transportation and Parking.

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of Addendum ("Addendum to the South Lake Union Final EIS for the Height and Density Alternatives") was published in the City's Land Use Information Bulletin on November 24, 2014. A copy of the Addendum was sent to parties of record that commented on the EIS. In addition, a copy of the notice was sent to parties of record for this project.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 29, 2014. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered. The checklist was later incorporated into the Addendum.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, most of the impacts are not expected to be significant and therefore were not included in the Addendum.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), and the Seattle Building Code. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short and long term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

The initial public comment period following the Notice of Application ended on May 28, 2014. Comments were received in response to the design review aspects of the proposal.

ENVIRONMENTAL IMPACTS

The following is a discussion of environmental elements that warrant additional discussion of impacts and mitigation. The impacts detailed below are separated into two sections:

1. Those that were identified and analyzed in the FEIS with more specific project-related discussion in the 2014 Addendum, and
2. Those that were identified in the MUP 3016574 SEPA Checklist and related documents.

Short Term Impacts Long Term Impacts Not Identified in the 2005 FEIS

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Environmental Health

The applicant submitted studies and reports regarding existing contamination on site:

- Letter dated October 30, 2014, from Julie K.W. Wukelic, Principal Engineer for Hart Crowser, Inc.
- Phase I Environmental Site Assessment, Tax Parcel 0660002085, Site Location: 1100 Howell St, Seattle, Washington, May 2, 2007, prepared by Environmental Management Services LLC
- Focused Phase II Environmental Site Assessment Subsurface Investigation, Tax Parcel 0660002085, Site Location: 1100 Howell St, Seattle, Washington, May 24, 2007, prepared by Environmental Management Services LLC
- Review of Phase I and Phase II Environmental Site Assessments, Diamond Parking Property, November 10, 2010, by SoundEarth Strategies
- Summary of Soil Sampling Activities, Diamond Parking Property, January 4, 2011, by SoundEarth Strategies
- Summary of Subsurface Investigation Activities, Goodyear Property, March 9, 2012, by SoundEarth Strategies
- Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report, June 6, 2014, by Associated Earth Sciences, Inc.

If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the studies referenced above, and the October 30, 2014 letter outlining the Future Remedial Action Work to be completed with the proposed excavation and construction, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Future Remedial Action Work are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Future Remedial Action Work describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority. These strategies are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health.

Construction Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment. Properties located to the west and east of the site include residential units and will be impacted by construction noise. The Denny Triangle neighborhood is experiencing prolonged periods of construction noise from successive and numerous development activities in the immediate vicinity of the site. Several construction sites are located within 1 block of the site, with additional developments proposed nearby. The combined impacts, duration of construction noise in this area, and amount of noise-generating grading and construction activity warrant additional mitigation to reduce the impacts of construction noise on nearby residents.

To mitigate construction noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the applicant submitted a Construction Management Plan with a noise mitigation element, which has been reviewed and approved by DPD. No further mitigation is warranted for construction noise impacts.

Long Term Impacts Identified in the FEIS

The following is a discussion of the impacts identified in elements of the environment that were either analyzed in the Addendum or noted as potentially adverse in the annotated SEPA checklist, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS.

Height, Bulk, and Scale (Referred to in the Urban Design section of the FEIS)

The FEIS recommended specific strategies to mitigate the impacts of additional height, bulk, and scale for new development that conforms to the new zoning designations. Most of these strategies are implemented through Land Use Code development standards, or the Design Review process as required by SMC 23.41.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The proposal has gone through the Design Review process as described earlier in the Design Review Analysis portion of this document. Therefore, the department concludes that no adverse height bulk and scale impacts will occur as a result of the proposal, and further conditioning is not warranted.

Parking

SMC 25.05.675M requires that the Director assess the extent of adverse impacts of parking and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of the EIS alternatives as they relate to the overall parking impacts from the alternatives for additional height and density in the Downtown zones. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The existing parking on site consists of 95 public paid parking spaces and nine parking spaces for the existing automotive business. The existing parking and automotive business are proposed for demolition.

The Transportation Technical Analyses noted that parking will be provided for approximately 532 spaces: 284 spaces for office use, 247 for residential use, and one for retail use. The proposed supply ratio of 0.60 spaces per residential unit can be managed to accommodate the residential parking needs of the project, and no overspill is expected. The office parking supply (284 spaces) might be available for use by residents overnight if the need occurs. The total proposed parking is likely to exceed or meet the anticipated peak parking demand.

Therefore, mitigation for parking impacts is not warranted. Additionally, SMC 25.05.675.M.2 notes that there is no Seattle Municipal Code authority to mitigate for parking impacts in Downtown zones, even if parking impacts were identified.

Traffic

SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic and transportation and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of the EIS alternatives as they relate to the overall transportation system. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

Traffic analyses associated with the proposed development were reviewed by DPD, as described in the Addendum (various transportation and parking technical analyses and reports by Heffron

transportation, Inc.). The November 2014 traffic analysis found that the proposed development would result in approximately 1,780 daily trips, including 193 AM peak hour trips and 183 PM peak hour trips. This is within the range of potential trips analyzed in the FEIS.

The study also examined impacts to nearby intersections and corridors in the project vicinity and found that the vehicle trip impacts were consistent with the analysis in the EIS.

The mitigation measures are consistent with those discussed in the EIS. Mitigation measures analyzed in the Addendum included a Construction Management Plan, a Transportation Management Plan for the building after occupation, and payment of a pro rata contribution of $13,920 to the SDOT *Active Traffic Management* project for the Denny Way corridor.

A Construction Management Plan for haul routes, construction worker parking, to minimize impacts on nearby traffic and on-street parking, has been approved by DPD and SDOT, and is available with the other project documents for MUP 3016574.

A Transportation Management Plan incorporating the items described in the Addendum shall be required prior to issuance of the building permit.

The payment of the pro rata contribution shall be required prior to issuance of the building permit.

The approved Construction Management Plan, the Transportation Management Plan, and the pro rata contribution of $13,920, are expected to adequately mitigate the adverse traffic impacts from the proposed development.

Long Term Impacts Not Identified in the 2005 FEIS

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is APPROVED WITH CONDITIONS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Construction Permit

4. The applicant shall make a pro rata mitigation contribution to the SDOT *Active Traffic Management* project for the Denny Way corridor, in the amount of $13, 920 the City of Seattle.
5. A Transportation Management Plan shall be provided by the applicant and approved by the DPD Transportation Planner (John Shaw at john.shaw@seattle.gov) and the Seattle Department of Transportation.

Signature: (signature on file) Date: February 9, 2015
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.